IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

Bail Appl..No. 7655 of 2007()

CMP.3901/2007 of J.M.F.C.,RANNI
CRIME 384/07 OF RANNI POLICE STATION

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PETITIONERS

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1. M.C.VARGHESE
   MANAPPURATHU VEEDU, VETTIPPURAM,
   PATHANAMTHITTA VILLAGE, PATHANAMTHITTA.

2. V.K.RAGHAVAN, KOCHUKALAYIL,
   VAIKOM MURIYIL , RANNI.

BY ADV. SRI.THOMAS ABRAHAM
SRI.DIPU.R

RESPONDENTS: RESPONDENTS

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1. STATE OF KERALA REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA
   ERNAKULAM.

2. SUB INSPECTOR OF POLICE
   RANNI POLICE STATION, PATHANAMTHITTA DISTRICT.

3. M.C.MATHEW, MANAPPURATHU VEEDU
   UTHIMOODU, RANNI VILLAGE, RANNI.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7655 OF 2007

Dated this the 12th day of December, 2007

O R D E R

Application for anticipatory bail. Petitioners face allegations in a crime registered under Section 379 read with 34 IPC. The crime has been registered on the basis of a private complaint filed by the 1st petitioner and referred to the police by the learned Magistrate under Section 156(3) Cr.P.C. The dispute essentially is between two brothers. The 2nd petitioner is the employee of the 1st accused. There are some civil disputes between the parties. The alleged occurrence took place on 1.8.06. The crux of the allegations is that a teak pole was stolen from the possession of the de facto complainant and made use of by the 1st accused for construction of a shed. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer

and I am satisfied that the petitioners can be granted anticipatory bail subject to appropriate terms and conditions.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 19.12.2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 21.12.07 and thereafter the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above

shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(iv) If they were arrested prior to 19.12.2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 19.12.2007.

(R.BASANT, JUDGE)

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